

MINUTES OF THE BOARD OF SELECTMEN MEETING

May 5, 2014

Meeting held at Pine Grove School

MEMBERS PRESENT: Chairman Robert Snow, Vice Chairman Robert Merry, Clerk Joseph Perry, Jack Cook (Town Administrator Deborah Eagan, Assistant Town Administrator Amy Lydon) David Petersen - ABSENT

PUBLIC ATTENDEES: Ken Ward – Building Inspector, Joan Petersen – Town Moderator, Judith Pickett – Brackett & Lucas, Timothy Toomey – Water Commissioner, Karen Summit – Treasurer / Collector

CALL MEETING TO ORDER

Chairman Robert Snow called the meeting to order at 7:04 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CHAIRMAN'S COMMENTS

None.

MOMENT OF SILENCE

A moment of silence was observed for Terry Hart, the Town's Veterans agent, who passed away on Friday.

7:00 p.m. Appointment – Town Counsel Judy Pickett, Building Inspector Ken Ward and Water Board Chairman to discuss water treatment plant construction

Eagan said the concerns regarding the gap between the ceiling and the roof at the Water Treatment Plant were investigated by the Building Inspector and Fire Chief. She said the Building Inspector found that there were building code issues given the gap. She said the change order to put PVC molding up to cover the gaps, which was approved by both of the project's Clerks of the Works, isn't in conformance with the building codes. She said Chairman Snow took pictures of the gaps. She said the contractor Kinsmen has shut the plant down and Water Department personnel are not allowed in the plant. She said we are talking with Town Counsel about filing an injunction. She said the plant will now have to be re-started which has costs associated with it. She said Weston & Sampson is drafting a letter to Kinsmen. Pickett said she spoke with Barbara Cook of Weston & Sampson who said they would draft a letter, but

indicated that Kinsmen is not receptive to keeping the plant open. Eagan said she has confirmed that Kinsmen has closed the plant today. Eagan said when Weston & Sampson got the letter from Kinsmen on April 21, 2014 regarding substantial completion (COPY ATTACHED), they should have immediately called the Building Inspector. Building Inspector Ken Ward said until he gets the required documentation, he will not issue an occupancy permit. Ward said the process for controlled construction is that a design professional (architect) draws the plans, gets the building permit and oversees the project. He said all the sub-contractors (structural/electrical engineers, etc.) stamp the plan. He said he has the plan from Weston & Sampson, but doesn't have any other paperwork. He said he has obtained change orders on this project from the Treasurer, and is appalled that he hasn't received any documentation on this. He said Sykora, the Clerk of the Works from Weston & Sampson, only contacted him when they had an issue with glass not fitting properly, and he hasn't been contacted for anything else. He said under a controlled construction project, he doesn't even have to go to the site, he just has to review the plans against the building code, which he has done. He said all of the engineers involved in the project need to certify that the building has been constructed in accordance with the plan.

Pickett said the draft letter from Weston & Sampson says that the contractor must allow site visits by the engineer and periodic site visits by the Town. Eagan said she found out that there were two individuals at the Water Treatment Plant on Friday that were not employees or Town Officials. She said she has asked the Primary Water Operator about this. Pickett asked if the injunction would mandate that the plant run continuously. Eagan said yes, it needs to run to get the treated water into the system. Pickett said the contractor notified the Town on 4:30 p.m. via email that they were shutting the plant down, and this is insufficient notice. Eagan said this email was sent to the Primary Water Operator, and the two Clerks of the Works. Pickett said she first has to file a complaint and then file a preliminary injunction. She said she has emailed and called Eric Warhol of the DEP, but hasn't heard back from him yet.

Water Commissioner Toomey joined the meeting at 7:18 p.m.

Snow asked Toomey if he has spoken to Weston & Sampson or Kinsmen today. Toomey said no. Snow asked Toomey if he has spoken to Hargreaves today. Toomey said yes, and Hargreaves has spoken to the Building Inspector. Snow said Kinsmen has shut down the plant. Toomey said they have added chlorine to the treated water, which will run to waste, and the water should be able to get back into distribution in a day or two after the plant restarts. He said he is baffled as to why the change orders were not given to the Building Inspector. He said he has asked Hargreaves to do a few things since he doesn't want to be running the operations of the Department since he is a Water Commissioner.

Ward said he told the electrical inspector not to do the requested electrical inspection until they have the documentation from the engineers on the project proving that the project is substantially complete. He said Barbara Cook is working on getting the documentation and has asked Kinsmen if an inspection on Thursday would be satisfactory, but we haven't heard back yet. Eagan asked why Hargreaves hasn't asked for this documentation. Toomey said in hindsight, Hargreaves should have had to answer to the Building Inspector, but the goal for him was to review the change orders for reasonableness. Eagan said when Sykora received the letter of substantial completion from Kinsmen, he should have called the Building Inspector to review if they were on track for an occupancy permit. Pickett said a thirty-day response turnaround time to the letter of substantial completion is acceptable. She said it is fine for the employees to reach out to Sykora and others tomorrow, but asked to be kept in the loop.

GENERAL BUSINESS

1. Sign motions and discuss town meeting articles

The Board reviewed the folders of motions and agreed to sign them at the table at Town Meeting.

2. Abutter Notification for Wetlands Protection Act and Wetlands Protection Bylaw from Roman Catholic Archbishop of Boston for septic installation

The Board reviewed the abutter notification (COPY ATTACHED). There were no concerns.

3. Road Opening Permit request from National Grid to open 36A Hammond Street for the purpose of installing new gas service

Joseph Perry made a motion to sign the road opening permit for 36A Hammond Street (COPY ATTACHED), Jack Cook second, all in favor - aye (4-0). Dave Petersen – ABSENT

4. Road Opening Permit request from National Grid to open 169 Main Street for the purpose of installing new gas service

Joseph Perry made a motion to sign the road opening permit for 169 Main Street (COPY ATTACHED), Jack Cook second, all in favor - aye (4-0). Dave Petersen – ABSENT

5. Road Opening Permit request from National Grid to open 5 Hammond Street for the purpose of installing new gas service

Joseph Perry made a motion to sign the road opening permit for 5 Hammond Street (COPY ATTACHED), Jack Cook second, all in favor - aye (4-0). Dave Petersen - ABSENT

6. Road Opening Permit request from National Grid to open 982 Haverhill Street for the purpose of installing new gas service

Joseph Perry made a motion to sign the road opening permit for 982 Haverhill Street (COPY ATTACHED), Jack Cook second, all in favor - aye (4-0). Dave Petersen - ABSENT

7. Vacation carry-over request from Town Administrator Deborah Eagan

The Board reviewed the memo from Town Administrator Deborah Eagan (COPY ATTACHED).

Joseph Perry made a motion to approve the vacation carry-over request, Jack Cook second, all in favor - aye (4-0). Dave Petersen – ABSENT

8. Vote on “Building Safety” proclamation

The Board reviewed the information about building safety month and the proclamation (COPIES ATTACHED).

Joseph Perry made a motion to authorize Chairman Snow to sign the Proclamation, Jack Cook second, all in favor - aye (4-0). Dave Petersen – ABSENT

NEW BUSINESS

1. Water treatment plant construction update

This topic was discussed as part of the 7:00 p.m. appointment.

2. Request from SBA to install three additional antennas to existing pole located at 467 Haverhill Street

This topic was tabled until the next Selectmen’s meeting.

3. Authorize police and fire accident insurance policy renewal for FY 15

Joseph Perry made a motion to authorize Deborah Eagan to renew the police and fire accident insurance policy, Jack Cook second, all in favor - aye (4-0). Dave Petersen – ABSENT

MINUTES

- March 24, 2014 Executive Session

Joseph Perry made a motion to approve the minutes from the March 24, 2014 Executive Session, Jack Cook second, all in favor - aye (4-0). Dave Petersen – ABSENT

- March 31, 2014

There being no further business before the Board, Chairman Snow called for a motion to adjourn to Town Meeting. Joseph Perry so moved, Jack Cook second, all in favor – aye (4-0). Dave Petersen – ABSENT

Open meeting adjourned at 7:28 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Weston & Sampson draft response letter to Kinsmen Corporation
2. Email correspondence regarding Rowley, MA WTP, Contract 1
3. Memo from Building Inspector Ken Ward dated May 5, 2014 regarding Water Treatment Plant
4. Excerpts from 780 CMR: State Board of Building Regulations and Standards
5. Letter from Kinsmen dated April 21, 2014 regarding substantial completion
6. Memo from Building Inspector Ken Ward dated April 30, 2014 regarding Water Treatment Plant Inspection
7. Abutter Notification for Wetlands Protection Act and Wetlands Protection Bylaw from Roman Catholic Archbishop of Boston for septic installation
8. Road Opening Permit request from National Grid to open 36A Hammond Street for the purpose of installing new gas service
9. Road Opening Permit request from National Grid to open 169 Main Street for the purpose of installing new gas service
10. Road Opening Permit request from National Grid to open 5 Hammond Street for the purpose of installing new gas service
11. Road Opening Permit request from National Grid to open 982 Haverhill Street for the purpose of installing new gas service
12. Vacation carry-over request from Town Administrator Deborah Eagan
13. Information about building safety month and proclamation